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Chairman: Mr. ZARIF (Islamic Republic of Iran)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/67, A/47/60-S/23329, A/47/516)

1. Mr. SOARES (Brazil) said that over the past few years, the international community had embarked on the quest for new forms of cooperation to replace ideological rivalries; at the same time, the persistence of economic inequalities and the resurgence of ethnic and other disputes remained the principal obstacles to achieving a truly universal peace. That situation provided a unique opportunity to reevaluate the role of the United Nations and its Charter.

2. With regard to working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) his delegation felt that the time had come to better define the responsibilities of the United Nations and of the regional organizations and thereby contribute to the effectiveness of the collective security system established by the Charter. It was Brazil's understanding that the relationship between the United Nations and regional organizations should be mutually reinforcing and complementary and based on full respect for the specific mandates and spheres of competence of each organization.

3. Regional arrangements could play a valuable role in events of an internal nature, and that role was not envisaged in the Charter. The Organization of American States (OAS) had its own mechanisms and methods of settling conflicts which were embodied in its Charter. In May 1992, the XXII General Assembly of OAS had approved by consensus a resolution on cooperation for security and development in the hemisphere which contained provisions related to the cooperation between the United Nations and OAS. In the light of the declaration issued by the Summit Meeting of the Security Council on 31 January 1992, the President of the Permanent Council of OAS had sent a letter to the President of the Security Council stressing the readiness of OAS to take part in international cooperation.

4. Brazil supported the suggestion that heads of regional organizations should be invited to address the Special Committee or the General Assembly; the Secretary-General and the leaders of regional organizations should meet on a regular basis, or in times of crisis, to exchange information relating to regional disputes or to consider joint initiatives. He noted that in "An agenda for peace", the Secretary-General asked all regional organizations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results.

5. The draft declaration contained in working paper A/AC.182/L.72 singled out certain issues which did not necessarily constitute problems affecting the entire international community. For many areas of the globe, the challenge of

(Mr. Soares, Brazil)

development remained a major issue of concern to regional stability. Brazil firmly believed that the idea of collective security encompassed the goal of economic and social development.

6. Working paper A/AC.182/L.73 on the implementation of the provisions of the Charter related to assistance to third countries affected by the application of sanctions under Chapter VII (A/47/33, para. 109) raised important questions, in particular the issues of sharing the costs of a system of collective security, the principle of mutual assistance, and the need to study specific techniques to provide assistance to States affected by the implementation of sanctions. The establishment of procedures to implement Articles 49 and 50 of the Charter was complex and time consuming; it was particularly difficult to identify criteria to assess the special economic problems confronted by States in that context.

7. On the question of whether the Secretary-General should be authorized to request advisory opinions from the International Court of Justice, it seemed clear that such authorizations could help the Secretary-General in finding ways to reach a peaceful solution of disputes and ultimately strengthen the role of the International Court of Justice by enlarging its contribution to international law and preventive diplomacy. Careful consideration would need to be given to the conditions under which advisory opinions could be requested. His delegation felt that the authorization should refer to cases in which the Secretary-General was exercising his good offices as mediator of a dispute and in which the parties agreed to the requesting of an advisory opinion.

8. While the rapidly changing international environment had led the Security Council to speed up its decision-making process on ever more complex issues, the increase in the membership of the United Nations was not properly reflected in composition of the Council. Brazil shared the view that the Security Council's methods of work needed to be improved, and that the Council should be made more representative of the international community as a whole.

9. Recent developments had created widespread expectations of a new and more equitable international order in which the United Nations would play a more important role. The transition from confrontation to cooperation could not be accomplished and sustained without strengthening the Organization and its Charter.

10. Mr. BIVERO (Venezuela) said that working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations should call for greater participation by the General Assembly and the Secretary-General, since they too were principal organs of the United Nations and could play a decisive and mutually supporting role in conflict prevention, within the framework of the Charter. Permanent liaison between the principal organs of the Organization and regional organizations would be advantageous for the goal everyone sought. In addition to the questions of disarmament and arms control, there were many other problems such as economic and social development, democracy and human rights which, because of their

(Mr. Bivero, Venezuela)

implications for regional, and indeed international, stability and security, should be the subject of cooperation and consultation between the United Nations and regional bodies within their respective spheres of competence. OAS had acquired a great deal of experience in that area and his delegation therefore supported the proposal to invite representatives of regional organizations to the Special Committee's next session. It also shared the view that the final document should be flexible in nature and should make general political recommendations.

11. His delegation believed that working paper A/AC.182/L.65 and Corr.1, entitled "New issues for consideration in the Special Committee" contained valid ideas, but that a selection of items should be made on the basis of their degree of priority. It supported the recommendations on broadening the peacemaking efforts of the Secretary-General. In that context, the document "An agenda for peace" contained a number of innovative ideas which should be considered by the Special Committee.

12. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), he noted that so far there had been no attempt to find a real solution to the problems experienced by third States affected by the application of sanctions. His delegation hoped that there would be no further delay in the Special Committee's consideration of the item.

13. In connection with working paper A/AC.182/1992/CRP.2, entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/47/33, para. 123) his delegation believed that the main task facing the United Nations was to determine whether its current structure and functions corresponded to the challenges posed by its growing responsibilities. The first step had already been taken by the Secretary-General in "An agenda for peace"; further reflection was needed and, if necessary, reforms should be carried out on the basis of the purposes and principles of the Charter. The greater universality of the United Nations and its many achievements in so many different spheres of international coexistence should permit an objective view of its shortcomings and of the mechanisms and resources which could be used to overcome them. The Special Committee had a critical role to play in that respect.

14. Mr. AL-DALAY (Yemen) said that in his delegation's view the role of the Organization could be strengthened only through strict adherence to the principles of the Charter, increased settlement of disputes by peaceful means and avoidance of the threat or use of force in relations between States. The Organization's role should not be restricted to the maintenance of international peace and security, and it should make a more effective contribution to strengthening cooperation for development and in the cultural field. The radical changes taking place in the world following the end of the cold war had, however, brought the Organization new burdens and new responsibilities in connection with conflict resolution and the maintenance and strengthening of international peace and security.

(Mr. Al-Dalay, Yemen)

15. His delegation shared the view that the membership of the Security Council should be expanded in order to bring about wider participation in the adoption of uniformly balanced and fair resolutions, in keeping with the provisions of the Charter. Cooperation between the United Nations and regional organizations would provide the means to reinforce stability and peace and limit confrontation, and it would assist the Organization in taking preventive measures for the peaceful settlement of disputes subject to respect for sovereignty and non-interference in the internal affairs of States, which were rights guaranteed by the Charter to all Member States. Given the comprehensive nature of regional security, it would be wise for regional organizations to include political, economic and humanitarian matters in their activities in accordance with the powers accorded to them by the United Nations and in a manner compatible with the Charter.

16. Document A/45/742, entitled "United Nations rules for the conciliation of disputes between States" (A/47/33, para. 132) contained constructive ideas, and the Special Committee should revise and redraft it as a contribution to the peaceful settlement of disputes in accordance with the provisions of the Charter. His Government had demonstrated its commitment to the principle of the peaceful settlement of disputes by signing an international boundary agreement with Oman in October 1992, and it was currently endeavouring to resolve the issue of its boundaries with Saudi Arabia in negotiations at the expert level that were currently taking place in a fraternal atmosphere.

17. Mrs. BELLAMINE-DLIMI (Tunisia) said that, in the context of the changes taking place in the world, the democratization of international relations and the revitalization of the United Nations were indispensable conditions for the Organization's effectiveness and capacity to assume increased responsibilities with regard to the maintenance of international peace and security. That very concept had been expanded: it no longer meant merely the absence of armed conflicts, but also the eradication of poverty and underdevelopment, which represented the greatest threats to international peace and security. The Secretary-General's report "An agenda for peace" and his report on the work of the Organization (A/47/1) reflected a significant effort to respond to the new challenges of the post-cold-war era. "An agenda for peace" contained interesting ideas on preventive diplomacy, peace-keeping and the role of regional organizations which could be discussed in the Special Committee.

18. Turning to working paper A/AC.182/L.72 (A/47/33, para. 39), she welcomed the importance which it attached to the role of regional organizations in the maintenance of international peace and security and conflict prevention under Chapter VIII of the Charter. In that context, she noted the contribution which the Organization of African Unity (OAU) had made to a settlement of the conflicts in Somalia and elsewhere. OAU had also decided, at its Summit Meeting held at Dakar in June 1992, to establish a mechanism for the prevention, management and settlement of conflicts in accordance with the principles of the Charter. Her delegation believed that such regional mechanisms were an integral part of the collective security system and that

(Mrs. Bellamine-Dlimi, Tunisia)

efforts should be made to ensure complementarity between them and the United Nations. Furthermore, the regional organization should consider both the political and the economic aspects of security and of international cooperation in that field.

19. Her delegation also noted with satisfaction the proposals for enhancing further the Secretary-General's peacemaking role, particularly the recommendation in paragraph 17 of the working paper, that the Secretary-General and the leaders of regional organizations should meet on a regular basis to exchange information relating to local disputes and situations which might endanger international peace and security.

20. Tunisia considered that the Security Council, which was primarily responsible under the Charter for maintaining international peace and security, should encourage the peaceful settlement of local disputes through regional organizations, while at the same time, greater emphasis should be given to the role which the Charter assigned to the General Assembly in that field.

21. Working paper A/AC.182/L.73 (A/47/33, para. 109) was of particular importance in view of the Council's increasing resort to enforcement measures. Her country, which respected international law and which strictly implemented the Council's decisions welcomed the Secretary-General's recommendation in his report "An agenda for peace" that the Security Council should devise a set of measures involving the financial institutions of the United Nations system that could insulate States from the difficulties they faced as a result of the carrying out of sanctions.

22. With regard to the peaceful settlement of disputes, her delegation, while commending document A/45/742 (A/47/33, para. 132) as a worthwhile initiative, would none the less have preferred a set of model rules applicable to all types of disputes; it was to be hoped that a revised document, taking into account the observations made, would be submitted to the Special Committee at its next session.

23. Lastly, her delegation supported the Secretary-General's proposal that he should be authorized to request advisory opinions from the International Court of Justice when exercising his good offices and with the consent of the parties to the dispute.

24. Mrs. FLORES (Uruguay) said that according to paragraphs 2 and 8 of the Special Committee's report (A/47/33), the number of requests from Member States for observer status received during the forty-seventh session considerably exceeded the number of members of the Committee; her delegation therefore supported the view that the composition of the Special Committee needed to be reviewed.

(Mrs. Flores, Uruguay)

25. In connection with working paper A/AC.182/L.72, on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) she noted that the Secretary-General, in paragraph 24 of "An agenda for peace", called on regional organizations to consider what further confidence-building measures might be applied in their areas and indicated that he would undertake periodic consultations with parties to potential disputes. As noted by the "Rio Group" in paragraph 18 of document A/47/232, in the context of the current increase in preventive diplomacy and in peacemaking and peace-keeping activities, there was no question as to the role that regional organizations could play. It was often easier to achieve a complete understanding of the causes of regional conflicts, and to develop diplomatic activities to forestall such conflicts, at the regional level. Increased periodic coordination, cooperation and consultation between the United Nations and regional organizations were needed, bearing in mind the organizations' statutes and the legal framework of Chapter VIII of the United Nations Charter.

26. Working paper A/AC.182/L.73 (A/47/33, para. 109) reflected the widespread concern about finding an effective solution to the special economic problems that arose for third States in connection with Article 50 of the Charter. That initiative had been prompted by the adverse situation that had prevailed during the Gulf crisis; 21 States had submitted a memorandum (S/22382) to the President of the Security Council which had won broad support among delegations, particularly in respect of the idea of participating in the costs of a collective security system, the principle of mutual assistance and the need to study specific modalities of providing assistance to States affected by the application of sanctions. At the Summit Meeting of the Security Council on 31 January 1992, the representatives of India and Zimbabwe had referred to the need to provide assistance to third States in connection with the application of sanctions. Subsequently, the countries of the Rio Group had referred, in paragraph 15 of document A/47/232, to the need to set up machinery in order to compensate for secondary effects on third States of sanctions imposed under Chapter VII of the Charter. In paragraph 41 of "An agenda for peace", it was recommended that the Security Council should devise a set of measures to resolve the difficulties suffered by third States, as a matter of equity and a means of encouraging States to cooperate with decisions of the Council. The Security Council, in resolutions 748 (1992) and 757 (1992) referred to Article 50 of the Charter in connection with the imposition of sanctions. In that context, various Governments had sent notes about the measures they had adopted, invoking Article 50. The question had also been referred to at meetings of the Special Committee on Peace-keeping Operations, in August 1992, and at the current session of the General Assembly, particularly in connection with agenda item 10. Many delegations had referred to the matter in the Sixth Committee. Her delegation therefore hoped that the resolution on the mandate of the Special Committee would include a paragraph concerning continuation of the item on implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions.

(Mrs. Flores, Uruguay)

27. Her delegation supported the Secretary-General's proposal that he should be authorized to seek advisory opinions from the International Court of Justice.

28. Mr. TRINH XUAN LANG (Viet Nam) said that the recent fundamental changes in international relations necessitated a thorough review of the mechanisms and activities of the United Nations in order to enhance their effectiveness and thus ensure that the Organization could successfully meet the challenges of the new era. His delegation supported the idea of re-examining and enlarging the composition of the Security Council, with due attention to the developing countries and to the principle of equality between all Member States, so as to ensure that the voice of the majority was duly heard in the process of decision-making on the issues of critical importance to the international community. In that connection, working paper A/AC.182/1992/CRP.2 (A/47/33, para. 123) contained important proposals and merited continued consideration.

29. While the Charter was an extremely important international legal instrument which had made a valuable contribution to international relations and to the work of the Organization for nearly half a century, it should not be considered immune to revision or amendment. Indeed, it was only through such amendments that the Charter could maintain its vitality.

30. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), the implementation of economic sanctions by third States under Chapter VII had placed heavy burdens on the economies of the developing countries in view of the current international conditions of economic interdependence. As one of the 21 countries severely affected by the implementation of Security Council resolution 661 (1990), Viet Nam had brought the problem to the attention of the Council, within the framework of Article 50 of the Charter, thus far without results. It was incumbent on the world community to address such difficulties in their proper perspective. In that connection, his delegation welcomed the Secretary-General's proposal (A/47/277-S/24111, para. 41) that the Security Council should devise a set of measures involving the financial institutions and other components of the United Nations system which could insulate States from such difficulties.

31. Both the United Nations and regional organizations were currently playing greater roles in the maintenance of international peace and security and in promoting development. The value which his country placed on regional organizations was demonstrated by its recent accession to the Treaty of Amity and Cooperation in South-East Asia and its accession to observer status within ASEAN. The Treaty was an important instrument for promoting regional cooperation and provided a mechanism for the pacific settlement of disputes in the area.

32. His delegation supported the idea of continued cooperation between the United Nations and regional organizations as advocated in working paper A/AC.182/L.72 (A/47/33, para. 39) although many of the issues raised in the draft needed further study and discussion.

(Mr. Trinh Xuan Lang, Viet Nam)

33. His country advocated the settlement of all disputes through peaceful negotiations, without resort to the use or threat of force. Accordingly, it supported document A/45/742, containing the draft United Nations rules for conciliation of disputes between States (A/47/33, para. 132), which paved the way for the elaboration of a set of model rules designed to reduce tension by facilitating conciliation and the peaceful settlement of disputes through negotiations.

34. Mr. KOURULA (Finland), speaking on behalf of the Nordic countries, said that those countries were prepared to participate in a comprehensive consideration of the proposals contained in the report of the Secretary-General on the work of the Organization (A/47/1). The establishment of an open-ended working group could be a mechanism for reaching consensus on a number of the proposals. However, given the large number of proposals and the complexity of the issues they raised, such a procedure would certainly benefit from the active involvement of the relevant organs of the General Assembly, including the Special Committee. Such involvement was most appropriate in respect of working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39). The draft declaration called for new functions to be allocated to regional arrangements in order to guarantee broad international cooperation. International and regional security could no longer be viewed only from a military perspective. Other sources of instability in the economic, social, humanitarian and ecological fields were increasingly considered threats to international peace and security. The Nordic countries supported the views on regional arrangements expressed by the Secretary-General in his report "An agenda for peace". Such arrangements in the current new era could render assistance to the Organization, provided that their activities were consistent with the provisions of the Charter and that the Security Council retained the primary responsiblity for the maintenance of international peace and security.

35. The issue of the division of labour between the United Nations and regional arrangements was most pertinent in the current international situation. What was needed was not a formal pattern for cooperation but rather a flexible approach and the application of the two available mechanisms, depending on the needs of each situation. Regional arrangements had the potential to be utilized in preventive diplomacy (confidence-building, fact-finding, early warning), peacemaking and peace-keeping as well as in the monitoring of elections and respect for human rights.

36. The Nordic countries wished to draw attention to the decisions of the Summit Meeting of the Conference on Security and Cooperation in Europe (CSCE) held at Helsinki in July 1992, at which CSCE had explicitly pronounced itself to be a regional arrangement under Chapter VIII of the Charter. CSCE had also decided that peace-keeping constituted an important element of the capability of the arrangement for conflict prevention and crisis management. CSCE peace-keeping would not entail enforcement action and would require the consent of the parties directly concerned. The Conference had decided further

(Mr. Kourula, Finland)

to appoint a High Commissioner on National Minorities who would provide early warning of tensions involving national minority issues that had the potential to develop into conflicts within the CSCE area. In accordance with the Charter, the peaceful settlement of local disputes was one of the main functions of regional arrangements. In that connection, new developments within the area covered by CSCE could serve as an inspiration beyond the region. In the view of the Nordic countries, regional arrangements should concentrate on developing methods in that field which would ensure the mandatory involvement of a third party.

37. In view of the new political climate and the dynamic developments within some regional arrangements, his delegation supported the proposal to solicit the views of representatives of regional arrangements on various aspects of cooperation between their organizations and the United Nations.

38. The question raised in working paper A/AC.182/L.73, on assistance to third States affected by the application of sanctions under Chapter VII (A/47/33, para. 109) was part of the broader issue of "sanctions management". In order to improve the readiness of the Organization to take action in that area, the Security Council or the Special Committee might initiate a study of the effectiveness and management of different types of sanctions. Special consideration should be given to the question of how to alleviate the burden of third countries that were confronted with special economic problems as a result of such sanctions.

39. The United Nations rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132) whose implications went far beyond the Charter, merited a careful second reading on the basis of a revised draft, taking into consideration the comments made on the various articles.

40. It would also be useful to give further consideration to the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice. In general, increased use should be made of the possibility to request such opinions on legal issues where such action could help to prevent or defuse conflicts. Further consultations would also be useful in respect of the suggestions that the Special Committee should examine the question of collective security in its entirety and that a preparatory committee on revisions of the Charter should be established, prusuant to Article 109 thereof. For several years the Special Committee had made valuable contributions within the mandates adopted for its deliberations. Its future mandate could well include those suggestions to which the Committee had drawn attention, provided that general agreement was reached on the feasibility of their implementation.

41. Mr. ARIF (Singapore) said there was no doubt that the world had changed dramatically in the past 47 years. The time had therefore come to review the provisions of the Charter so that the United Nations could ready itself to meet the challenges of the twenty-first century. Nevertheless, amending the Charter called for a prudent approach: before such a step was taken, it might

(Mr. Arif, Singapore)

be advisable to see whether the necessary reforms could be achieved by rationalizing the Organization's structure, agenda and bodies and by more effective implementation of the Charter's provisions.

42. The issue of expanding the membership of the Security Council had generated considerable interest. The Council, as the organ responsible for maintaining international peace and security, reflected the effectiveness of the United Nations as a whole. Since the last increase in the Security Council's membership, in 1966, the membership of the United Nations had grown, accompanied by a shift in the balance of financial contributions and it was perhaps time to consider expanding the Security Council to reflect those realities. His delegation therefore endorsed proposals to review the size and composition of the Security Council, with a single caveat: the increase must not impair the Security Council's ability to respond rapidly and effectively in cases where international peace and security were at stake.

43. A second issue which required careful consideration was the veto power enjoyed by the permanent members of the Security Council. The cold war and super-Power rivalry following the Second World War had dashed earlier hopes that the Allied Powers would be able, acting in concert, to maintain peace. The many threats to use and frequent use of the veto had significantly hampered the Security Council's ability to fulfil the aspirations of the Charter. While the veto had not been invoked since 1988, any proposal to abolish it entirely was not likely to meet with success. Nevertheless, to reduce the risk of renewed rivalry between the super-Powers, his delegation proposed that decisions of the Security Council relating to non-procedural matters should be made by an affirmative vote of the Council, including the votes of three of the five permanent members.

44. Turning to the Secretary-General's proposal that he should be authorized to request advisory opinions from the International Court of Justice, he noted that the arguments set forth in the Special Committee's report by the Legal Counsel (A/47/33, para. 183) in support of that proposal were clear and cogent. Seeking the advisory opinion of the Court could only increase the effectiveness of the Secretary-General, particularly in the area of preventive diplomacy, which was clearly in the interest of the United Nations. Requiring the prior consent of the parties involved would ensure that requests for advisory opinions did not infringe on the sovereignty of States.

45. Working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39) was particularly appropriate in the light of the Secretary-General's proposals in his report entitled "An agenda for peace" (A/47/277-S/24111). None the less, his delegation shared many of the concerns raised by others regarding the implications of the working paper. First, certain paragraphs in that document seemed to impose additional obligations on States beyond the provisions of Chapter VIII of the Charter. For example, paragraphs 7 and 8 requested States to consider the possibility

(Mr. Arif, Singapore)

of establishing regional peacemaking forces. Secondly, the paper appeared to encourage the establishment of regional security arrangements world wide, which might have the unintended effect of increasing interregional tensions and engendering interregional arms races. Thirdly, regional organizations of the type envisaged in the paper were possible only in the very few regions of the world which had common interests and shared cultural and political traditions. Political, social and economic inequalities between States, mutual distrust and lack of regional confidence-building measures in many regions were not conducive to establishing that type of regional organization. Furthermore, setting up such systems might impair the Security Council's effectiveness in maintaining international peace and security.

46. At the same time, his delegation endorsed the call for greater cooperation between the United Nations and regional organizations in the maintenance of regional peace and security. As a member of the Association of South-East Asian Nations (ASEAN) and as the current Chairman of the ASEAN Standing Committee, his country was proud of the Association's role in promoting regional peace and economic prosperity, including its part in resolving the Cambodian conflict. At their summit meeting in January 1992, ASEAN leaders had pledged to participate actively in efforts to ensure that the United Nations remained a key instrument for maintaining international peace and security. The Association and a group of co-sponsors were currently seeking recognition by the United Nations of the Treaty of Amity and Cooperation in South-East Asia, which provided for the pacific settlement of disputes in the region.

47. The Special Committee should be cautious about introducing any instrument to strengthen cooperation between regional organizations and the United Nations which would unduly restrict the flexibility of Chapter VIII of the Charter. In that connection, the Secretary-General had pointed out in paragraph 61 of his report "An agenda for peace" that the Charter deliberately provided no precise definition of regional arrangements and agencies.

48. Working paper A/AC.182/L.65 and Corr.1, entitled "New issues for consideration in the Special Committee" was most timely in view of the proposals by the Secretary-General in his report "An agenda for peace". The paper reflected the fundamental difficulty faced by the Special Committee in discharging its mandate. While many aspects of the United Nations system were in need of review, the Special Committee could not possibly study all of them; it needed, therefore, to assign priorities to some issues and adopt a systematic approach. The working paper would help to identify areas which were in urgent need of review and improvement and which merited the particular attention of the Special Committee.

49. His delegation commended the sponsors of working paper A/AC.182/L.73 (A/47/73, para. 109), which dealt with an issue that urgently needed

(Mr. Arif, Singapore)

consideration. Article 50 of the Charter clearly gave Member States the right to consult the Security Council regarding special economic problems arising from the implementation of the Council's preventive and enforcement measures; however, the procedure under Article 50 had never been clarified. His delegation agreed that there was a need to establish a mechanism to examine and respond to requests from Member States for assistance under Article 50, since the actions of third States had a direct bearing on the ability of the Security Council to enforce its decisions and, ultimately, on the effectiveness of the United Nations as a whole.

50. The rules of conciliation of disputes between States submitted by Guatemala (A/45/742) (A/47/33, para. 132) contained many imaginative ideas. While not certain of the need for draft rules, in view of the many existing instruments on the pacific settlement of disputes, his delegation would welcome further consideration of the document by the Special Committee at its next session.

51. Mr. GAUTAM (Nepal) said that the task before the United Nations was to harness the new dynamism in international life in order to meet the challenges currently facing mankind. Increasing demands in the areas of peacemaking and peace-keeping had already stretched the capacity of the Organization to its limits. The time had therefore come to take a closer look at the provisions relating to regional arrangements under Chapter VIII of the Charter. In that connection, his delegation welcomed working paper A/AC.182/L.72 (A/47/33, para. 39) and had an open mind with regard to the final form of the document. Discussion of the implementation of the provisions of Chapter VIII should not, however, distract attention from the primary responsibility of the Security Council for the maintenance of international peace and security. He supported the view expressed by the Secretary-General in his report "An agenda for peace" that the lack of a precise definition of regional arrangements in the Charter allowed for flexibility in the undertakings of groups of States. Complementarity should be the basis for cooperation between the Organization and regional arrangements and his delegation accordingly supported the proposal for promotion of such cooperation.

52. The focus on enforcement measures under the Charter should not distract attention from the peaceful settlement of international disputes and his delegation viewed positively the draft rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132). The aim of the exercise should be to produce a set of flexible models from which States could choose as they deemed appropriate.

53. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), his delegation took the view that the measures under Chapter VII of the Charter were binding on all Member States. The implementation of Article 50 of the Charter could not, however, be taken as a precondition for acceptance of the obligation arising from measures under Chapter VII. Finally, while it was also difficult to draw up a universally applicable arrangement for the

(Mr. Gautam, Nepal)

implementation of Article 50, those arguments should not distract the Special Committee from examining concrete proposals such as the proposal to establish a compensatory fund administered by the Security Council and the recommendation of the Secretary-General that the Security Council should devise financial measures to attenuate the impact of sanctions on third States.

54. His delegation supported the proposal that the Secretary-General should be authorized to seek advisory opinions from the International Court of Justice. The Secretary-General himself had made it clear that he intended to use that authorization only with the consent of the parties concerned. Since most international disputes were legal in character, such authorization would enhance the capacity of the Secretary-General for quiet preventive diplomacy.

55. The maintenance of balance and harmony among the principal organs of the Organization and especially between the General Assembly and the Security Council was crucial to efforts to strengthen the role of the United Nations. That requirement should be the focus of the work of the Special Committee. In that connection, the report of the Secretary-General on the work of the Organization represented a valuable contribution.

56. Mr. MADEJ (Poland) said that the recent political and legal changes in the world supported the view that the global confrontation between States was giving way to a new atmosphere of cooperation based on the peaceful settlement of disputes. His delegation noted with satisfaction that the jurisdiction of the International Court of Justice had been one of the issues considered by the Special Committee; in Poland's view, universal recognition of the compulsory jurisdiction of the Court was essential to strengthening the rule of law in conflict situations.

57. The draft rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132) were useful and should receive further consideration; at the Special Committee's next session it should be borne in mind that flexibility was an essential element of conciliation.

58. His delegation supported the proposal for a universal document on the peaceful settlement of disputes. Until such a document could be elaborated, a declaration containing generally accepted rules should be adopted, based on earlier efforts in that area, such as the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security and the Handbook on the Peaceful Settlement of Disputes prepared by the Secretary-General.

59. His country welcomed document A/AC.182/L.72 (A/47/33, para. 39), in view of the increasing role of regional organizations in the maintenance of international peace and security. Closer cooperation between the United Nations and regional organizations in accordance with the provisions of Chapter VIII of the Charter would enhance the Organization's effectiveness in the prevention and settlement of regional conflicts. Furthermore, States should also have recourse to existing regional mechanisms.

(Mr. Madej, Poland)

60. With regard to the question of revision of the Charter, his Government believed that the first priority should be the full implementation of the provisions of the Charter and their adaptation to new political realities. At the same time, clauses such as those referring to "enemy States" were clearly obsolete and his Government would be willing to consider proposals to amend them.

61. Mr. YOUSIF (Sudan) said the pronouncements made on the new international order still required a consensus on the part of the peoples of the world, which were troubled by many questions and doubts. The United Nations and its principal organs had failed to keep pace with recent changes and remained in the grip of the international forces that had prevailed during the cold war. It could legitimately be asked whether there was any correspondence between the slogans of the new international order and the fluid international situation, whether the required changes at the United Nations were taking their proper course and whether the work programme of the Special Committee conformed to current requirements. It was essential to enhance the effectiveness of the Organization in order to enable it to confront the new challenges successfully. In order to bring about a positive change that met the aspirations of all the peoples of the world on an equal footing, concerted efforts must be made to build confidence between States and to restrain the ambitions of the colonialist Powers.

62. Some of the topics examined by the Special Committee were political rather then legal in character, and might therefore more appropriately be considered by the plenary Assembly. Urgent consideration should accordingly be given to the Special Committee's work programme in order to bring it into line with the proper mandate of the Sixth Committee and the desires expressed by most Member States. The Special Committee should consider topics relating directly to the Charter and the strengthening of the role of the Organization, such as Charter reform, the concepts of sovereignty and equality between States, the composition and procedures of the Security Council and the role of the General Assembly, particularly in the maintenance of peace and security. However, it was inadvisable to adopt declarations and resolutions embodying reinterpretations of the provisions of the Charter and modifications of concepts that had become established over the 47 years of the Organization's existence unless such texts were based on a consensus among Member States.

63. Working paper A/AC.187/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39), actually addressed only questions of peace and security and inter-ethnic conflicts and tensions. The paper referred to "local conflicts", the prevention of disputes and conflicts "within States" and the setting up of military units to maintain order "within countries", and it repeatedly mentioned disputes without qualifying them as disputes between States. In the view of his delegation, such language constituted blatant interference in the internal affairs of States and an encroachment on their national sovereignty. In order to end internal and regional conflicts, their underlying causes must be addressed,

(Mr. Yousif, Sudan)

and perhaps the most important of those causes were the economic, cultural and social differences that must be addressed within the context of the desired new international order.

64. In paragraphs 12 to 15 of the working paper , a close link was established between regional organizations and the Security Council in the conduct by the former of their role in the settlement of disputes or the maintenance of security. Such a linkage involved many caveats, and it was the view of his delegation that it should not be established before the composition of the Security Council was reformed. States should first endeavour to resolve their disputes themselves. In the event of failure, they should then turn of their own free will to the regional organizations to which they belonged; the United Nations should play a role only when a resolution at the regional level proved impossible, when the case in question posed an indubitable threat to international peace and security and when the efforts at each stage had been exhausted before the subsequent stage was embarked upon.

65. Paragraph 7 of the working paper must be brought into harmony with the sovereign rights of States and non-intervention in their internal affairs, and the preventive measures in question must be accepted by all Member States. There was no justification for paragraph 14 of the working paper because it limited the freedom of regional organizations, which for the most part had their own particular arrangements under the terms of the statutes signed by their members, and it was in any case rendered unnecessary by paragraph 15. Paragraph 17 was still being studied by the regional and political organizations of the Movement of Non-Aligned Countries, and it was still too early to include such a provision in the draft.

66. With regard to the statement made by the Legal Counsel to the Special Committee at its 164th meeting, his country had reservations concerning the proposal to authorize the Secretary-General to request advisory opinions from the International Court of Justice. Such authorization would grant the Secretary-General wide discretionary powers which might be used in a selective manner in accordance with his own purely personal assessment. His delegation would prefer such authority to remain with the organs of the United Nations, as stipulated in Article 96 of the Charter, since such organs could ensure its use as required by the situation and with the support of a consensus. Under Article 96, it was always possible for the Secretary-General to be authorized to request an opinion from the International Court of Justice in particular cases and for specified purposes.

67. The Sudan was one of the sponsors of working paper A/AC.182/L.73 on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (A/47/33, para. 109). Consideration of the item should be continued in order to reach precise conclusions that would ultimately be conducive to the alleviation of the economic damage caused to the countries concerned. His delegation regretted that the appeals of the Security Council Committee established by

(Mr. Yousif, Sudan)

resolution 661 (1990) and of the Secretary-General had not met with a response appropriate to the urgent needs of the countries affected. The burden of assisting third countries was a common obligation of all Member States under Article 49 of the Charter and by no means that of the aggressor State alone. The legal aspect that concerned the Special Committee was that of giving an appropriate interpretation of the relevant provisions of the Charter, particularly with regard to the party incurring the obligation. His delegation hoped that the desiderata contained in the working paper would be embodied in a well-defined General Assembly resolution calling on the international community and on the United Nations and its organs to provide assistance to the countries affected in an appropriate way to be agreed upon.

68. The draft rules for the conciliation of disputes between States (A/45/142, A/47/33, para. 132) were a valuable initiative that would promote the development of mechanisms for preventive diplomacy and the peaceful settlement of disputes between States. However, the draft rules required more discussion and further elaboration, and his delegation hoped that it would be able to express a definitive view on them when they came before the Special Committee at its next session.

69. Mr. MARTENS (Germany) said that at its previous session, the Special Committee had demonstrated clearly that its work was essential for the continuing development of the United Nations. It had produced a number of pioneering legal documents which were not only important in themselves but had also profoundly influenced international law. During the recent discussions in the Special Committee, more members than ever before had supported the proposal for a revision of the Charter so that it would better reflect new political realities. Similarly, during the general debate at the current session of the General Assembly, nearly one third of all Member States had called for Charter reform. In the Secretariat, the Secretary-General had already implemented a number of changes which his Government fully supported; it was likewise in favour of further enhancement of the Secretary-General's role vis-à-vis the subsidiary organs and specialized agencies of the United Nations, and believed that Article 99 of the Charter provided a basis for that.

70. In his report "An agenda for peace", the Secretary-General had proposed that he should be authorized to request advisory opinions from the International Court of Justice. That suggestion merited further discussion in the Special Committee; it was to be hoped that a compromise could be found which would be acceptable to all States.

71. With regard to the proposal concerning the broadening of the peacemaking efforts of the Secretary-General (A/AC.182/L.65 and Corr.1) (A/47/33, paras. 95 to 108), a number of documents already existed in the field, including the Handbook on the Peaceful Settlement of Disputes prepared by the Secretary-General with the assistance of the Special Committee. Care should be taken to avoid duplication of work, vague proposals for a new role for the Secretary-General in that area and the establishment of new mechanisms when existing ones would suffice.

(Mr. Martens, Germany)

72. The role of regional organizations in the peaceful settlement of disputes was of immediate and growing relevance for the work of the Special Committee. Regional organizations must assume greater responsibility, as the United Nations could not protect all people affected by external and internal war. The Conference on Security and Cooperation in Europe (CSCE) had met that challenge by declaring itself to be a regional arrangement within the meaning of Chapter VIII of the Charter. In that context, document A/AC.182/L.72 (A/47/33, para. 39) was both useful and timely. At the same time, it should be understood that the Security Council must retain primary responsibility for the maintenance of international peace and security.

73. As his Government had recently stated in the General Assembly, it would not take the initiative on the question of the composition of the Security Council; however, if a change was to be considered, Germany too would seek a permanent seat.

74. With regard to document A/45/742 (A/47/33, para. 132), his delegation welcomed all measures to strengthen the principle of the peaceful settlement of disputes. The preparation of a streamlined version of the draft, concentrating on the essentials, would be the best approach.

75. Turning to document A/AC.182/L.73 (A/47/33, para. 109), he said that it was undoubtedly legitimate for States to invoke Article 50 of the Charter in their search for a solution to the economic difficulties resulting from the application of sanctions. However, as Article 50 entitled States to seek relief from the Council, solutions could only be found on a case-by-case basis. In 1991, the States members of the European Community had provided substantial assistance to countries economically affected by the sanctions imposed against Iraq.

76. While his country shared the view expressed by many members of the Special Committee that the "enemy States" provisions of Articles 53 and 107 of the Charter were no longer applicable, it would not initiate proposals to delete them.

77. Mr. HAMAI (Algeria) said his delegation was pleased that the Special Committee's most recent session had been marked by a clear renewal of interest in its work, as reflected both by the significant number of observer States participating in the session and by the relevance of the issues examined. The general debate had been very valuable, giving each delegation an opportunity to express its views on the significance of the recent dramatic changes in international relations. Those changes inevitably had an impact on the United Nations, which was currently engaged in considering their implications. The Special Committee was clearly one of the key forums in which such consideration would be carried out, with the ultimate objective of democratizing the Organization and strengthening its role, thus making it an effective collective instrument in the service of international peace and security.

(Mr. Hamai, Algeria)

78. In accordance with its mandate and because it had nearly exhausted the topics of the peaceful settlement of disputes and the rationalization of procedures, the Special Committee should henceforth focus exclusively on the maintenance of international peace and security. In that connection, there were a number of proposals which merited attention. Working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39) was a timely submission as it emphasized an aspect of the Charter to which little attention had been paid thus far. The recent tragic events in Africa and Europe made the importance of that issue only too clear. In his report "An agenda for peace", the Secretary-General, too, had highlighted the role that regional organizations should play in the area of preventive diplomacy and the maintenance and re-establishment of peace.

79. While the working paper provided a good starting-point, a number of objections could be made to its contents, among them the discrepancy between the objective sought and the measures proposed, and the lack of reference to the General Assembly's role, the absence of practical measures, the imperative and interventionist nature of certain provisions which might call in question the autonomy of regional organizations, and the inclusion of subjects outside the scope of the maintenance of international peace and security.

80. The revised version of the working paper should be made available before the Special Committee's next session, so that delegations would have ample opportunity to review it.

81. Equally noteworthy was working paper A/AC.182/1992/CRP.2, entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/47/33, para. 123). The document's historical perspective corresponded perfectly to the current post-cold war transition phase, which required courageous adaptation in order to bring about the institutional changes made inevitable by the course of history. It had to be universally recognized that what had been valid when the Organization was founded was not necessarily still valid decades later, in the framework of a new international political order and a significantly expanded United Nations membership.

82. The working paper presented constructive proposals, which were in accordance with the principles, purposes and objectives set forth in the Charter and were designed to improve the application of its provisions, with a particular view to democratizing the Organization and strengthening its role. In addition, the paper raised issues which reflected positions long endorsed by his country and the groups to which it belonged, including improving the role of the General Assembly in the maintenance of international peace and security; improving coordination between the General Assembly and the Security Council; enhancing the transparency of the Security Council's activities so that it would be acting on behalf of all Member States; and expanding Security Council membership in the light of the principle of equitable geographical distribution, an item which merited immediate action.

(Mr. Hamai, Algeria)

83. Improving the effectiveness of the Organization and strengthening its role were objectives shared by all Member States and should be realized in the most constructive and realistic manner possible, on the basis of solutions acceptable to all.

The meeting rose at 5.30 p.m.